

Southern Utah farmers angry over diversion

by Lynette Olsen
Staff Writer

NEWCASTLE — More than two dozen angry southern Utah farmers say the state water engineer's decision to turn about 100 acre feet of irrigation water down the Grass Valley Creek drainage is wasteful and they may take the state to court over the action.

For farmers in Newcastle this year's drought is expected to reach an all-time critical stage since water they were depending on for their farmland is soaking into what was once a dry river bed.

On May 9, State Engineer Robert L. Morgan with the Division of Water Rights ordered the Newcastle Reservoir Co. to turn water from the Paradise Mountain runoff down the Grass Valley Creek drainage so it could flow into Santa Clara Creek.

When the company refused, Morgan instructed Rodney Leavitt, Santa Clara River commissioner, to cut off the reservoir company's water and allow the runoff to head toward the Santa Clara drainage. The reservoir company was threatened with a lawsuit if any attempt was made to close the flood gates.

Morgan was unavailable for comment.

"What they did just doesn't make sense," said Boyd Christensen, secretary, Newcastle Reservoir Co. "They (the state) knew that water wouldn't ever reach the Santa Clara River. Here it is just soaking into the ground — not doing anybody a bit a good."

The Newcastle Reservoir Co. has been diverting water from the Virgin River drainage above Grass Valley to the Great Basin for more than 80 years.

The water is contained in the Newcastle Reservoir where, in a good year, farmers receive about one acre foot per share.

Christensen said this year farmers have already been rationed to one-fourth that amount, and now that the reservoir is nearly empty and anticipated water has been turned loose at Grass Valley, this year promises to be long, hot and dry.

Gerald Stoker, state area engineer, Cedar City, said the water was turned down the river because the Newcastle company didn't have the right to use it.

"Quite simply the state operates on the doctrine of appropriation — first in time, first in right. They were taking water that didn't belong to them."

Stoker said Newcastle's 1907 right to the water in question is superseded by Santa Clara's 1890 water right.

For the 25 farmers who raise alfalfa, corn and potatoes, the question over why the water was turned loose nearly two weeks ago isn't about water rights.

Since water hasn't flowed through the Grass Valley-Pinto diversion toward Santa Clara for more than 80 years, some wonder why the state chose now to funnel the water away from the farmers who were depending on it for crops to the middle of nowhere.

"We aren't arguing water right per se," said Christensen. "That is for the court to decide." What farmers can't understand is why the state can break its own policy.

"It (the state) doesn't allow for water to be wasted. If water users are not realizing a benefitted use then the water rights are taken away, but here's the state throwing away 100 acre feet during a drought year and nobody's benefitting from it whatsoever."

Stoker said the Newcastle Reservoir Co. failed to bring to light that three weeks ago there was substantially more water in the Grass Valley diversion.

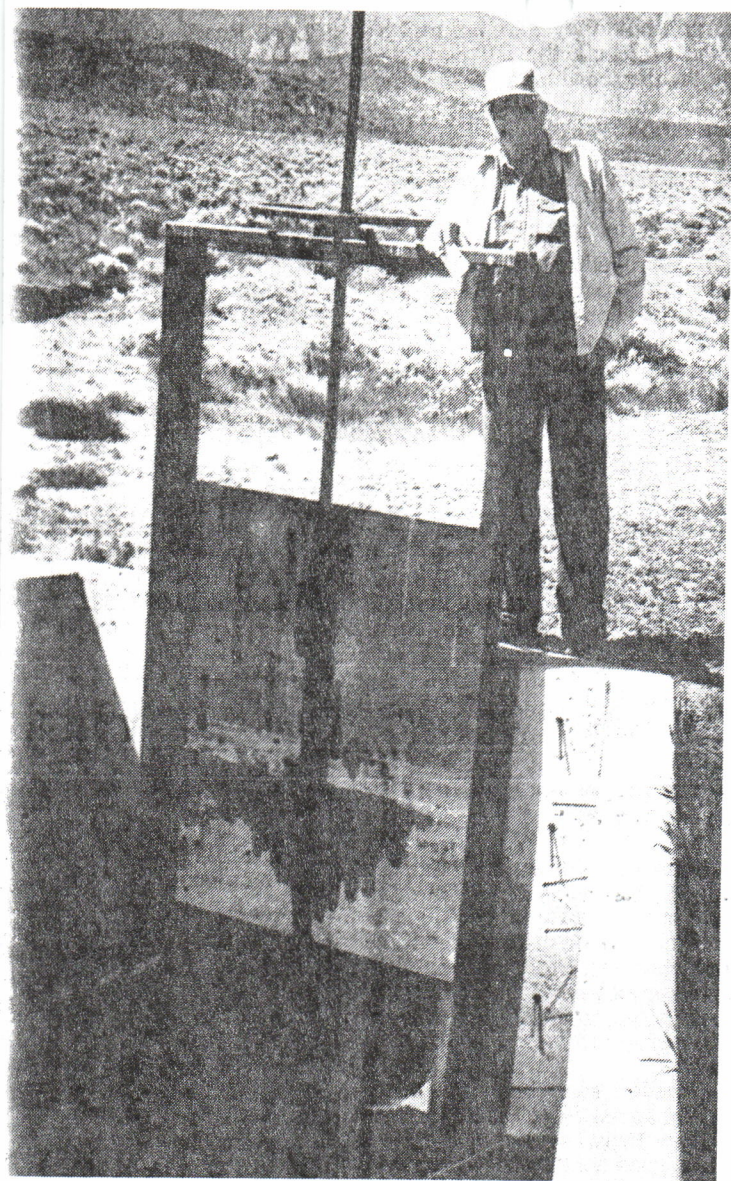
"The company chose to ignore our directive to open the gates so the water could flow toward Santa Clara. If they would have done it when we first notified them there would have been enough water to reach its destination."

A second question farmers are asking is, if the water hasn't been used in more than eight decades, wouldn't the former water right owners forfeit those rights?

"The state seems to have a policy that if you don't use the water you lose it. Doesn't that apply here?" asked Bob Holt, a Newcastle farmer.

Additionally, some are wondering if turning the water downstream is setting a precedent for future water use.

Stoker said the decision to send the water toward Santa Clara was based upon the drought. "This is one of the driest years on record," he said. "They ought to have the water they have rights for."



NEWCASTLE — Boyd Christensen, secretary of the Newcastle Reservoir Co., inspects an irrigation canal lacking water. Southern Utah farmers are angry over the state water engineer's decision to divert water to Santa Clara. (Spectrum / Lynette Olsen)

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